

REMARKS

Claims 23-44 are pending and under current examination. In the Office Action, the Examiner rejected claims 23-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2004/0018833 A1 (“Praestgaard”) in view of U.S. Patent App. Pub. No. 2002/0132613 A1 (“Leung”). Applicants respectfully traverse this rejection for the following reasons.

Rejection of Claims 23-44 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claims 23-44 under 35 U.S.C. § 103(a) as being unpatentable over Praestgaard in view of Leung.

The Examiner has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). In particular, the Examiner has not properly determined the scope and content of the prior art, at least because he incorrectly interpreted the content of Praestgaard and Leung. Specifically, Praestgaard and Leung do not teach or suggest what the Examiner attributes to them. In addition, the Examiner has not properly ascertained the differences between the claimed invention and the prior art, at least because he has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

Praestgaard does not teach or suggest at least Applicants’ claimed “having the caller place a call to a virtual mobile telephony number associated with the first telephony number,” and “receiving the call at a switching apparatus of a mobile telephony network,” as recited in independent claim 23 (emphases added). Instead, Praestgaard discloses that “an incoming call is

established from the PSTN [Public Switched Telephone Network] . . . [and that the] call is initially handed over to an intelligent virtual network manager . . .” Praestgaard, par. [0376].

This is clearly different from Applicants’ claimed “having the caller place a call to a virtual mobile telephony number associated with the first telephony number,” and “receiving the call at a switching apparatus of a mobile telephony network,” as recited in independent claim 23.

Moreover, Praestgaard does not teach or suggest at least Applicants’ claimed “terminating the call from the caller at the second telephony number instead of at the first telephony number, so as to establish a direct telephone call between the caller and the responder,” as recited in independent claim 23 (emphasis added). Instead, Praestgaard discloses a process in which sometime after a call is received by a user, “the call is terminated and a release [is] established by [a] virtual network, whereby the call and the B subscriber charging are terminated.” Praestgaard, par. [0378] (emphases added). Praestgaard further discloses that in addition to terminating the call and the B subscriber charging, “the A-subscriber charging [is] terminated.” Praestgaard, par. [0378]. That is, in Praestgaard, after the call is terminated, both the B subscriber charging and the A-subscriber charging are terminated. *See Id.* This is clearly different from Applicants’ claimed “terminating the call from the caller at the second telephony number instead of at the first telephony number, so as to establish a direct telephone call between the caller and the responder,” as recited in independent claim 23 (emphasis added). In other words, in the context of the claimed invention, the claimed “terminating a call” intends the act of *putting a caller in connection with a responder*, such an act being typically associated with the start of the call billing process. *See, e.g.,* specification at, for example, p. 7, ll. 3-7. In contrast, the expression “terminating a call” is used in Praestgaard to mean *the end of the call* between the caller and the callee. Indeed, in Praestgaard, par. [0378], referenced by the Examiner (*see* Office

Action, p. 4), the termination of the call is associated with the termination of the billing of the subscribers.

Leung does not cure the deficiencies of Praestgaard. For example, Leung discloses a responder that is used to, for example, receive checkpoint initiations from an initiator, and to send acknowledgments thereof. *See* Leung, par. [0102]. Leung further discloses that “[a] mobile station 12 may initiate [a] procedure, making the mobile station 12 [an] initiator and [a] network station 14 [a] responder,” or “the network station 14 may initiate the procedure, making the network station 14 the initiator and the mobile station 12 the responder.” Leung, par. [0099]. Thus, the teachings of Leung are also clearly different from Applicants’ claimed “having the caller place a call to a virtual mobile telephony number associated with the first telephony number; receiving the call at a switching apparatus of a mobile telephony network,” and “terminating the call from the caller at the second telephony number instead of at the first telephony number, so as to establish a direct telephone call between the caller and the responder,” as recited in independent claim 23.

Thus, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. In view of the reasoning presented above, Applicants therefore submit that independent claim 23 is not obvious over Praestgaard and Leung, whether taken alone or in combination. Independent claim 23 should therefore be allowable.

Independent claims 35 and 39, while different in scope, recite elements similar to independent claim 23, and should also be allowable. Dependent claims 24-34, 36-38, and 40-44 should also be allowable at least by virtue of their respective dependence from base claim 23, 35,

or 39. Accordingly, Applicants request the withdrawal of the 35 U.S.C. § 103(a) rejection of claims 23-44.

Conclusion:

Applicants request reconsideration of the application and withdrawal of the rejection. Pending claims 23-44 are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the related claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations in the Office Action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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